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From:**Dr. Neil C. Schoen****Ergon Technology Associates
9817 Freestate Place
Suite #4
Gaithersburg, MD 20879****To:**UNITED STATES PATENT AND
TRADEMARK OFFICE
Alexandria, VA 22313-1450

FAX'd to OFFICIAL phone #

FAX Phone Number:

301-330-5484

FAX Phone Number:

1-571-273-8300

Voice Phone Number:

301-330-5484

Voice Phone Number:1-571-272-6751 Subramanian
1-571-272-6771 Kalinowski**Number Of Pages:**

1 + 19

Date/Time:

2/14/2009 at 11:30 A.M.

Subject:Examiner: N. Subramanian A.U. 3691
Response to Notice of Non-Compliant Amendment (37 CFR 1.121)**Notes:** Ref: LIE HELENA PAYTON Tel. # (571) 272-1605

Please include the attached 19 page response to the above mentioned Office Action. Due to limited response time please insure that the correct status identifier is identified and make any changes necessary. I think all but the currently pending (dated 1/27/2009) claims should be "withdrawn", and the ~~and the~~ 1/27/2009 would then be "Withdrawn-currently amended" or "Currently amended".

Thank you,

Neil C. Schoen

FEB 17 2009

PAGE 2/9 : RCVD AT 2/14/2009 11:33:56 AM [Eastern Standard Time] : SVR:USPTO-EFAX-RF-6/37 : DNS:2738300 : CSID:301 330 5484 : DURATION (mm-ss):04-04

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.
10/759,145

Applicant(s)
SCHOEN, NEIL C.

Art Unit
3600

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 02 February, 2009 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____
- ☒ 4. Amendments to the claims:
 - ☒ A. A complete listing of all of the claims is not present.
 - ☒ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only) If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /HELENA PAYTON/

Telephone No: (571)272-1605